REMARKS

This application has been reviewed in light of the Office Action dated February 5, 2008. Claims 1-18 are pending in this application. Claims 1 and 10-18, the independent claims, have been amended to define still more clearly what Applicant regards as the invention. Favorable consideration is requested.

Claims 1-10, 12, 13, 15, 16, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Lee*, "Title: JPEG 2000 Part I Final Committee Draft Version 1.0" in view of U.S. Patent Application Publication No. 2002/0131084 (*Andrew*).

Claim 1 is directed to a method of compressing image data into a fixed size memory, the image data being arranged into a plurality of scans of bitstream data, the plurality of scans being ordered from a perceptually most significant scan to a perceptually least significant scan. The method includes determining whether the scans are active or inactive based on an attribute associated with each of the scans, the attribute being separate to the scan and identifying whether the scan is either active or inactive. The method also includes encoding the determined active scans of bitstream data and discarding the determined inactive scans. The method further includes transferring the encoded scan bitstream data to the fixed size memory, and setting, if the fixed size memory becomes full, the attribute of a currently least significant scan of the active scans to inactive.

Among other notable features of Claim 1 are "determining whether the scans are active or inactive based on an attribute associated with each of the scans, the attribute being separate to the scan and identifying whether the scan is either active or inactive," and "setting, if the fixed size memory becomes full, the attribute of a currently least significant scan of the active scans to inactive."

Lee, as understood by Applicant, relates to coding of still pictures and discusses a JPEG 2000 image coding system.

Andrew relates to storing coding image data in a storage of fixed memory size, and discusses encoding all scans of the bitstream data.

Page 3 of the Office Action states that *Lee* discloses "determining whether the scans are active (Lee. Table D-8: 'AC') or inactive (Table D-8: 'AC, terminate')".[1]

Applicant respectfully disagrees with the Examiner's assertion, and submits that the Examiner incorrectly associates the "AC, terminate" operation of *Lee* with the active and inactive attribute of the method of Claim 1. Applicant notes that, immediately prior to Table D-8, *Lee* states:

> In the normal operation (not selective arithmetic
> coding by-pass), the arithmetic coder shall be
> terminated either at the end of every coding pass or
> only at the end of every code-block. Table D-8 shows
> two examples of termination patterns for the coding
> passes in a code-block.

As stated in *Lee*, Table D-8 shows the termination patterns that are used as part of the compressed image header. Such termination pattern is used by *Lee* at the end of a section of data to identify the end of that section. The "AC, terminate" coding operation of *Lee* is not used to indicate if the stream is active or inactive, in contrast to the method of Claim 1. Nothing in *Lee* would teach or suggest "determining whether the scans are active or inactive based on an attribute associated with each of the scans, the attribute being separate to the scan and identifying whether the scan is either active or inactive," as recited in Claim 1.

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[1] Table D-8 of *Lee* is located at page 99 of that document.

Moreover, Claim 1 further recites "setting, if the fixed size memory becomes full, the attribute of a currently least significant scan of the active scans to inactive." The "AC, terminate" operation of *Lee*, however, does not need to be set if the fixed size memory is full. Accordingly, Applicant respectfully submits that Examiner's assertion that the "AC, terminate" operation of *Lee* reads on the active/inactive attribute of Claim 1 is erroneous, and, thus, *Lee* cannot be relied upon in the manner suggested in the Office Action.

It follows, therefore, that *Lee* cannot be combined with *Andrew* in the manner suggested at pages 3 and 4 of the Office Action. Further, nothing in *Andrew* would supply what is missing from *Lee*, and Applicant refers to his remarks with respect to *Andrew* set forth in the Amendment dated November 21, 2007.

Nothing in *Lee* or *Andrew*, whether considered either separately or in any permissible combination (if any) would teach or suggest "determining whether the scans are active or inactive based on an attribute associated with each of the scans, the attribute being separate to the scan and identifying whether the scan is either active or inactive," and "setting, if the fixed size memory becomes full, the attribute of a currently least significant scan of the active scans to inactive," as recited in Claim 1.

Accordingly, Claim 1 is believed to be patentable over *Lee* and *Andrew*, whether considered either separately or in any permissible combination (if any).

Independent Claims 10-18 recite features which are similar in many relevant respects to those discussed above in connection with Claim 1. Accordingly, Claims 10-18 are believed to be patentable over *Lee* and *Andrew* for at least the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from Claim 1 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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